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BROOK MURPHY

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE EASTERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,	)	No. 2:12-cr-0309-JAM
	)	
Plaintiff,	)	STIPULATION AND
	)	ORDER TO CONTINUE STATUS
v.	)	CONFERENCE
	)	
NATHAN V. HOFFMAN, et al.,	)	Date: January 28, 2014
	)	Time: 9:45 a.m.
Defendants.	)	Hon. John A. Mendez

IT IS HEREBY STIPULATED, by and between Assistant United States Attorney Jason Hitt, counsel for the plaintiff United States of America, and defendant Nathan V. HOFFMAN, by and through his counsel Robert Helfend, defendant Hung NGUYEN, by and through his counsel Donald M. Re, defendant Steve MARCUS, by and through his counsel Donald M. Heller, defendant Brook MURPHY, by and through his counsel John Balazs, and defendant Jesus BRUCE, by and through his counsel, Hayes H. Gable, III, that the status conference set for October 22, 2013 at 9:45 a.m., be continued to **January 28, 2014 at 9:45 a.m.**

1 In addition, the parties stipulate and agree that time should be excluded  
2 under the Speedy Trial Act. On or about September 12, 2013, the government  
3 provided more than 2,000 pages of additional discovery to a third party discovery  
4 service for copying by the defense. At the same time, the government provided  
5 notice that significant additional, privacy-protected discovery is available for  
6 viewing at the U.S. Attorney's Office. This recent discovery is in addition to more  
7 than 5,000 pages of previously provided materials, as well as video and audio  
8 materials. As a result, counsel for each defendant needs additional time to review  
9 the voluminous materials in preparing a defense.  
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12 The discoverable material spans four search warrants served at locations  
13 alleged to be associated with defendants HOFFMAN and NGUYEN. In addition,  
14 counsel have been notified that approximately 20 boxes of search warrant material  
15 seized from marijuana dispensaries in Southern California are available for review  
16 at the IRS Office in Sacramento. The underlying Criminal Complaint in this case  
17 is more than 50 pages and incorporates an even longer affidavit from a previously-  
18 executed search warrant related to defendant HOFFMAN. In addition, this case is  
19 directly related to pending cases charging more than ten defendants in the Eastern  
20 District of California: United States v. Ebyam, no. 2:11-cr-00275 JAM, and  
21 United States v. Ebyam, et al., no. 2:11-cr-00276 JAM. As a result, each of the  
22 defendants agrees that a continuance of the status conference is appropriate.  
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1 Counsel further stipulate that an exclusion of time from October 22, 2013 to  
2 January 28, 2014, is appropriate under the Speedy Trial Act because of defense  
3 counsel's need to review the discovery and prepare a defense. In addition, each  
4 defendant's counsel stipulates that this matter is "complex" within the meaning of  
5 18 U.S.C. § 3161(h)(7)(B)(ii) (Local Code T2) because of the voluminous  
6 discovery, the complexity and unusual nature of the underlying conspiracy, and the  
7 pending indicted defendants in two related cases. As a result, counsel for all  
8 parties stipulate the ends of justice are served by the Court excluding such time and  
9 outweigh each defendant's interest in a speedy trial, as well as the public's interest  
10 in a speedy trial, so that counsel for each defendant may have reasonable time  
11 necessary for effective preparation, taking into account the exercise of due  
12 diligence under 18 U.S.C. § 3161(h)(7)(A) &(B)(ii) & (iv).  
13  
14  
15  
16  
17

18 BENJAMIN B. WAGNER  
19 United States Attorney

20 Dated: October 14, 2013

/s/ Jason Hitt  
21 JASON HITT  
22 Assistant U.S. Attorney

23 Dated: October 14, 2013

/s/ John Balazs  
24 JOHN BALAZS  
25 Attorney for defendant  
26 BROOK MURPHY  
27  
28

1 Dated: October 14, 2013

/s/ Robert Helfend

ROBERT HELFEND

Attorney for defendant

NATHAN V. HOFFMAN

4 Dated: October 14, 2013

/s/ Donald M. Re

DONALD M. RE

Attorney for defendant

HUNG NGUYEN

8 Dated: October 14, 2013

/s/ Donald Heller

DONALD M. HELLER

Attorney for defendant

STEVE MARCUS

11 Dated: October 14, 2013

/s/ Hayes Gable, III

HAYES GABLE, III

Attorney for defendant

JESUS BRUCE

**ORDER**

Based upon the representation by counsel and the stipulation of the parties,

**IT IS HEREBY ORDERED** that:

1. The status conference set for October 22, 2013, at 9:45 a.m. is vacated;

2. A new status conference is set for January 28, 2014, at 9:45 a.m.; and

3. Based upon the above representation and stipulation of the parties, the

Court finds that the ends of justice outweigh the best interest of the public and each defendant in a speedy trial pursuant to 18 U.S.C. §3161(h)(7)(A). The Court further finds that the requested continuance is needed for defense preparation and that this case is complex and unusual because of the voluminous discovery supporting the charges, the unique drug conspiracy in the case, and the large number of pending indicted defendants in two related cases caption: United States v. Ebyam, no. 2:11-cr-00275 JAM, and United States v. Ebyam et al., no. 2:11-cr-00276 JAM. Accordingly time under the Speedy Trial Act shall be excluded from October 22, 2013 through January 28, 2014, pursuant to 18 U.S.C. § 3161(h)(7)(A), (B)(ii) (Local Code T2), and (B)(iv) (Local Code T4).

**IT IS SO ORDERED.**

Dated: October 15, 2013

/s/ John A. Mendez  
HON. JOHN A. MENDEZ  
U.S. District Court Judge